

FACTSHEET

TITLE: **PRELIMINARY PLAT NO. 00029, PINE LAKE HEIGHTS SOUTH 4TH ADDITION**, requested by Ridge Development Company, for 204 lots and 12 outlots, with associated waiver requests, on property generally located between South 27th Street and South 40th Street, north of Yankee Hill Road.

STAFF RECOMMENDATION: Conditional Approval, with revisions as submitted on January 9, 2002.

ASSOCIATED REQUESTS: Change of Zone No. 3297 (02-36); Change of Zone No. 3298 (02-37); and Use Permit No. 134 (02R-57)

SPONSOR: Planning Department

BOARD/COMMITTEE: Planning Commission
Public Hearing: 01/09/02
Administrative Action: 01/09/02

RECOMMENDATION: Conditional Approval, with amendments (9-0: Duvall, Bills, Hunter, Carlson, Taylor, Newman, Krieser, Steward and Schwinn voting 'yes').

FINDINGS OF FACT:

1. This preliminary plat and the associated Change of Zone No. 3297, Change of Zone No. 3298, and Use Permit No. 134 were heard at the same time before the Planning Commission.
2. The staff recommendation of conditional approval is based upon the "Analysis" as set forth on p.10-11, concluding that the preliminary plat requires minor revisions to comply with the design standards and to be consistent with the Land Subdivision Ordinance.
3. The staff submitted proposed revisions to the conditions of approval on January 9, 2002 (p.33).
4. The applicant's testimony is found on p.15-16 and p.18. The applicant also submitted proposed revisions to the conditions of approval (p.34-36).
5. There was no testimony in opposition.
6. The Planning Commission discussion with staff is found on p.16-18, and the applicant's response is found on p.18.
7. On January 9, 2002, the Planning Commission agreed with the staff recommendation and voted 9-0 to recommend conditional approval, as set forth in the staff report dated December 18, 2001, with the revisions as proposed by the staff and by the applicant.
8. On January 15, 2002, a letter reflecting the action of the Planning Commission and the revised conditions of approval was mailed to the applicant (See p.2-6).
9. The Site Specific conditions of approval required to be completed prior to scheduling this application on the City Council agenda have been submitted by the applicant and approved by the reviewing departments.

FACTSHEET PREPARED BY: Jean L. Walker

DATE: March 12, 2002

REVIEWED BY: _____

DATE: March 12, 2002

REFERENCE NUMBER: FS\CC\2002\FSP00029

January 15, 2002

Olsson Associates
Mark Palmer
1111 Lincoln Mall
Lincoln, NE 68508

Re: Preliminary Plat No. 00029
PINE LAKE HEIGHTS SOUTH 4TH ADDITION

Dear Mr. Palmer:

At its regular meeting on Wednesday, **January 9, 2002**, the Lincoln-Lancaster County Planning Commission granted approval to your preliminary subdivision, **Pine Lake Heights South 4th Addition**, located in the general vicinity of **between S. 27th Street and S. 40th Street, north of Yankee Hill Road**, subject to the following conditions:

Site Specific:

1. After the subdivider completes the following instructions and submits the documents and plans to the Planning Department, the preliminary plat will be scheduled on the City Council's agenda: (NOTE: These documents and plans are required by ordinance or design standards.)

1.1 Revise the preliminary plat as follows:

- 1.1.1 ~~Delete south-bound, left-turn movements for South 28th Street, or provide a street east in the vicinity of South 30th Street. Add a note that states:~~ "The applicant acknowledges the City has the right to eliminate left turn movements at the intersection of South 28th Street and Grainger Parkway in the future if warranted by traffic volumes." **(**As requested by the applicant and approved by Planning Commission, 01/09/02**)**
- 1.1.2 Show Grainger Parkway intersecting McBride Avenue at approximately an 80° angle.
- 1.1.3 ~~Show Blocks 2, 3 and 6 redesigned so there are no double-frontage lots~~ a 10' wide outlot with landscape screening in accordance with City Design Standards for screening and landscaping of a residential lot backing onto a public street along the O'Hanlon Drive frontage of Block 6 and the Grainger Parkway frontage of Block 2. **(**As requested by the applicant and approved by Planning Commission 01/09/02**)**
- 1.1.4 Show the extension of South 39th Street through Lot 1, Block 1.

- 1.1.5 Show, and identify as such, those portions of O'Hanlon Drive to be vacated.
- 1.1.6 Delete the "proposed" zoning remarks.
- 1.1.7 ~~Delete~~ Revise the detail/cross section of the pedestrian-bike trail crossing from on Sheet #2, ~~and add a note indicating that the crossing design is to be approved by the Public Works Department to show a standard handicap ramp crossing.~~ **(**As requested by the applicant and approved by Planning Commission on 01/09/02**)**
- 1.1.8 Provide utility easements as requested by L.E.S., except that a 15' pedestrian/landscape and L.E.S. easement along South 40th Street and along Yankee Hill Road is adequate, provided a note is added to the plat and landscape plan that states landscaping materials will not be installed within these easements until after power lines have been laid. **(**As requested by staff and approved by Planning Commission on 1/09/02**)**
- 1.1.9 Increase trail easement width to 20', except show a 16' trail easement between Lots 9 and 10, Block 5. **(**As requested by the applicant and approved by Planning Commission on 01/09/02**)**
- 1.1.10 The water main in south 37th Street north of Yankee Hill Road must be an 8" main.
- 1.1.11 Revise all storm sewer easements to be 30' in width.
- 1.1.12 Change Legacy Sugar Maple to Swamp White Oak on O'Hanlon Drive; Snowdrift Crabapple to Donald Wyman Crabapple; Thornless Hawthorne to Flame Amur Maple (Single-trunk); and submit landscape plans for all medians, traffic circles, and eyebrow and cul-de-sac island beds. **(**As requested by the applicant and approved by Planning Commission, 01/09/02**)**
- 1.1.13 Provide the street cross-section for Yankee Hill Road showing the correct location of the existing L.E.S. power poles, proposed sidewalk/trail, street trees and street lights. **(**As requested by staff and approved by Planning Commission on 01/09/02**)**
- 1.1.14 Show all right-turn lanes on Yankee Hill Road as identified in the traffic study. **(**As requested by staff and approved by Planning Commission on 01/09/02**)**

1.1.15 In the event a future Yankee Hill Road intersection or related right-turn lane does not meet sight distance or proper safety standards, either relocate South 33rd Street and South 37th Street at Yankee Hill Road intersections to allow for unobstructed right-turn lanes, or relocate the L.E.S. power poles. The location of the intersection of South 33rd Street and Yankee Hill Road requires a 150' unobstructed right-turn lane; South 37th Street requires a 200' unobstructed right-turn lane. Power Poles must maintain a minimum 6' separation from back of curb. **(**As requested by staff (single underlined portion) and the applicant (double underlined portion), and approved by Planning Commission on 01/09/02**)**

1.1.16 Revise notes on Sheets 2 and 3 from "10' Pedestrian/Landscape Easement" to "10' Pedestrian/Bike Trail/Landscape Easement" for that easement along Yankee Hill Road. **(**As requested by staff and approved by Planning Commission on 01/09/02**)**

1.2 Applicant will enter into an off-site improvement agreement with the City that stipulates the type, timing, and amount of contributions for required off-site improvements.

2. The City Council approves associated requests:

2.1 Change of Zone #3297

2.2 Change of Zone #3298.

2.3 Use Permit #134.

2.4 The following waivers to design standards:

2.4.1 Waiver to curb and gutter on South 27th Street, South 40th Street, and Yankee Hill Road being built at this time, but in accordance with the timing schedule and the requirements specified in the off-site improvement agreement.

2.4.2 Waiver to sewer depth.

2.4.3 Waiver to transfer of sewage between sub-basin districts.

General:

3. Final Plats will be scheduled on the Planning Commission agenda after:

- 3.1 The sidewalks, streets, drainage facilities, street lighting, landscape screens, street trees, water mains, sanitary sewer, temporary turnarounds and barricades, and street name signs have been completed or the subdivider has submitted a bond or an escrow of security agreement to guarantee their completion.
- 3.2 The subdivider has signed an agreement that binds the subdivider, its successors and assigns:
 - 3.2.1 To submit to the Director of Public Works an erosion control plan.
 - 3.2.2 To protect the remaining trees on the site during construction and development.
 - 3.2.3 To continuously and regularly maintain street trees along the private roadways and landscape screens.
 - 3.2.4 To complete the private improvements shown on the preliminary plat and use permit, or at a time as allowed by the off-site improvement agreement.
 - 3.2.5 To maintain the outlots and private improvements and plants in the ~~medians and eyebrow and cul-de-sac~~ islands ~~beds~~ on a permanent and continuous basis. However, the subdivider may be relieved and discharged of this maintenance obligation upon creating in writing a permanent and continuous association of property owners who would be responsible for said permanent and continuous maintenance. The subdivider shall not be relieved of such maintenance obligation until the document or documents creating said property owners association have been reviewed and approved by the City Attorney and filed of record with the Register of Deeds. **(**As requested by the applicant and approved by Planning Commission on 01/09/02**)**
 - 3.2.6 To submit to the lot buyers a copy of the soil analysis.
 - 3.2.7 To pay all improvement costs, except as provided in the off-site improvement agreement and the Conditional Annexation and Zoning Agreement for Yankee Hill Road Vicinity, as amended. **(**As requested by the applicant and approved by Planning Commission on 01/09/02**)**
 - 3.2.8 To comply with the Land Preparation and Grading requirements of the Land Subdivision Ordinance.
 - 3.2.9 To notify all property owners along South 40th Street and Yankee Hill Road that they must contact L.E.S. prior to installing any landscaping materials in the 15' L.E.S. easement along those streets. **(**As requested by staff and approved by Planning Commission on 01/09/02**)**

The findings of the Planning Commission will be submitted to the City Council for their review and action. You will be notified by letter if the Council does not concur with the conditions listed above.

You may appeal the findings of the Planning Commission to the City Council by filing a notice of appeal with the City Clerk. The appeal is to be filed within 14 days following the action by the Planning Commission. You have authority to proceed with the plans and specifications for the installation of the required improvements after the City Council has approved the preliminary plat. If you choose to construct any or all of the required improvements prior to the City's approval and acceptance of the final plat, please contact the Director of Public Works before proceeding with the preparation of the engineering plans and specifications. If the required minimum improvements are not installed prior to the City Council approving and accepting any final plat, a bond or an approved Agreement of Escrow of Security Fund is required.

The approved preliminary plat is effective for only ten (10) years from the date of the City Council's approval. If a final plat is submitted five (5) years or more after the effective date of the preliminary plat, the City may require that a new preliminary plat be submitted. A new preliminary plat may be required if the subdivision ordinance or the design standards have been amended.

You should submit an ownership certificate indicating the record owner of the property included within the boundaries of the final plat when submitting a final plat.

The Subdivision Ordinance requires that there be no liens of taxes against the land being final platted and that all special assessment installment payments be current. When you submit a final plat you will be given forms to be signed by the County Treasurer verifying that there are no liens of taxes and by the City Treasurer verifying that the special assessment installment payments are current.

Sincerely,

J. Greg Schwinn, Chair
City-County Planning Commission

cc: Owner
Public Works - Dennis Bartels
LES
Alltel Communications Co.
Cablevision
Fire Department
Police Department
Health Department
Parks and Recreation
Urban Development
Lincoln Public Schools
County Engineers
City Clerk
File (2)

LINCOLN CITY/LANCASTER COUNTY PLANNING STAFF REPORT

This is a combined staff report for related items. This report contains a single background section for all items. However, separate sections for analysis and conditions are provided for each individual application.

DATE: December 18, 2001

****As Revised by Planning Commission, 01/09/02****

P.A.S.: Change of Zone #3297 (R-4, B-2, and O-3 to R-3)
Change of Zone #3298 (R-3 to R-4, B-2 and O-3)
Preliminary Plat # 00029 Pine Lake Heights South 4th Addition
Use Permit #134

<u>PROPOSAL:</u> Change of Zone #3297	Changes the zoning on 215.52 acres north of Yankee Hill Road between South 27 th and South 40 th Streets from R-4, B-2 and O-3 to R-3.
Change of Zone #3298	Changes the zoning on 215.52 acres north of Yankee Hill Road between South 27 th and South 40 th Streets from R-3 to R-4, B-2 and O-3.
Preliminary Plat #00029	Creates 204 lots in 16 blocks with 12 outlots.
Use Permit #134	To allow a shopping center with retail/commercial, restaurants and office uses.

WAIVER REQUESTS:

Preliminary Plat	Waivers of: curb and gutter along South 27 th Street, South 40 th Street, and Yankee Hill Road; depth of sanitary sewer; transfer of sewage from one district to another; Lots 5-7, Block 6 are double-frontage; Block 1 exceeds 1,320'; pedestrian easement for Block 1;
Use Permit	Waiver of setback between the B-2 and O-3 districts from 15' to 0'.

LAND AREA:	Preliminary Plat:	Approximately 215.52 acres.
	Use Permit:	Approximately 32.4 acres.

CONCLUSION: The change of zone and use permit conform to the Comprehensive Plan and the Zoning Ordinance.

The preliminary plat requires minor revisions to comply with design standards and be consistent with Title 26 (Land Subdivision).

RECOMMENDATION:	Change of Zone #3297:	Approval
	Change of Zone #3298:	Approval as Amended
	Preliminary Plat #00029:	Conditional Approval
	Use Permit #134:	Conditional Approval

GENERAL INFORMATION:

LEGAL DESCRIPTION:

Change of Zone #3297 (R-4, B-2 and O-3 to R-3): (See attached legal descriptions)

Change of Zone #3298 (R-3 to R-4, B-2 and O-3): (See attached legal descriptions)

Preliminary Plat: (See attached legal description)

Use Permit #134: (See attached legal description)

LOCATION: Between South 27th Street and South 40th Street, north of Yankee Hill Road.

APPLICANT: Ridge Development Company
2001 Pine Lake Road Suite 100
Lincoln, NE 68542

OWNER: Same

CONTACT: Mark Palmer, PE
Olsson Associates
1111 Lincoln Mall
Lincoln, NE 68508

EXISTING ZONING: R-3 Residential; R-4 Residential; B-2 Planned Neighborhood District; and O-3 Office Park.

EXISTING LAND USE: Undeveloped land used for agricultural crop production.

SURROUNDING LAND USE AND ZONING:

North:	R-3	Single-family Residential, vacant
South:	AG	Crop Production
East:	AG	Crop Production
West:	AG	Crop Production

HISTORY: ANNEX #98005 - Approved in February, 1999, the land within this preliminary plat was annexed along with approximately 450 acres of land southwest of the intersection of South 27th Street and Yankee Hill. An annexation agreement was also approved.

CZ #3105 - Approved in February, 1999, changed the zoning on this site from AG to the existing zoning pattern.

CPA #94-31 - In February, 1999, this comprehensive plan amendment approved the S1/S2 Sub-area Plan.

COMPREHENSIVE PLAN SPECIFICATIONS: This site lies inside the S1/S2 Sub-area Plan of the Comprehensive Plan approved in February, 1999, and is designated as urban residential, with neighborhood-sized commercial centers in both the southeast and southwest corners of the site. An urban village is also designated in this area.

The land shown within the preliminary plat is also located within the Phase I area of the Anticipated Lincoln Service Limit and Phasing Plan. It states "Areas in Phase I designated for immediate development will be contiguous to existing development with some or most of the required infrastructure in place."

UTILITIES: Water is available to the site, and the proposed public water system shown on the plat is satisfactory with minor changes. Sanitary sewer is also available to the site, and the proposed sanitary sewer system indicated is satisfactory. The waivers to sewer depth and the transfer of sewage from one sub-drainage basin to another are acceptable. The extension of water and sewer is addressed in the annexation agreement for this property.

TOPOGRAPHY: The site consists of gently rolling farmland, where the west half is bowl-shaped and slopes towards the middle of the site where wetlands exist. The east half is falling from north to south, and is drained by two swales that are piped under Yankee Hill Road and continue on to the south.

TRAFFIC ANALYSIS: South 27th Street and Yankee Hill Road are both identified as principal arterials in the Comprehensive Plan. South 40th Street is shown as a minor arterial. Paving improvements for South 40th Street and Yankee Hill Road are in the current six-year Capital Improvements Program (CIP). However, improvements to South 27th Street at this location are not in the current CIP.

The annexation agreement associated with this property stipulated the cost-share of paving improvements among property owners and the City. An off-site improvement

agreement must be approved specifying what share of these future improvements must be paid for by the developer of this project based upon the impacts identified in the traffic study recently completed.

ANALYSIS:

Preliminary Plat

1. Waivers to block length and pedestrian easement are requested for Block 1. An extension of South 39th Street, perhaps turning west to connect to O'Hanlon Drive, must be provided. Without any specific development proposal for Lot 1 showing how vehicle and pedestrian traffic will otherwise be accommodated, there is no justification for a waiver. If a pedestrian easement is still required after the redesign, it must be provided.
2. A 16' trail easement is provided to extend the trail system from Cavett Elementary School to Yankee Hill Road. This easement needs to be increased to 20' in width, and moved so it is located between Lots 9 and 10, Block 5. Moving it one lot to the west would then require only one street crossing at this location, instead of two as it is currently configured. The trail also must be offset from the street at Lots 12 and 13, Block 7 so it is adjacent to property lines and provides separation from the street. Additionally, the detail/cross section of the trail crossing at Grainger Parkway must be removed from Sheet #2, with the eventual design subject to approval of the Public Works Department.
3. Grainger Parkway connects two commercial areas while passing through residential areas. It is important that appropriate traffic speeds be maintained through the residential areas. As a traffic calming measure, the intersection of Grainger Parkway and McBride Avenue must be redesigned to allow Grainger Parkway to intersect McBride Avenue at an approximately 80° angle. This will help reduce excess traffic speeds through the residential area, and reduce the appearance of a thoroughfare as currently designed.
4. The Grainger Parkway/South 28th Street intersection must be redesigned to reduce anticipated traffic conflicts. Due to the proximity of this intersection to the South 27th Street intersection one block west, vehicle stacking and reduced visibility associated with turning movements is a concern. To alleviate the problem, either southbound, left-turn movements on South 28th Street must be eliminated, or South 28th Street must be relocated east, perhaps as a continuation of south 30th Street.
5. A waiver to double-frontage lots is requested for Lots 5-7, Block 6, however inadequate justification is provided to warrant a waiver. There are design solutions available to eliminate the need for double-frontage lots and that will prevent residences on these lots from being surrounded by streets front and rear.

6. A waiver to curb and gutter along South 27th and South 40th Streets, and along Yankee Hill Road has been requested. An off-site improvement agreement is required, and it will address the scope and participation ratios of the parties involved in the required improvements. As a result, the waiver to curb and gutter being constructed at this time is acceptable with the understanding that the agreement is required.

PRELIMINARY PLAT CONDITIONS:

Site Specific:

1. After the subdivider completes the following instructions and submits the documents and plans to the Planning Department, the preliminary plat will be scheduled on the City Council's agenda: (NOTE: These documents and plans are required by ordinance or design standards.)
 - 1.1 Revise the preliminary plat as follows:
 - 1.1.1 ~~Delete south-bound, left-turn movements for South 28th Street, or provide a street east in the vicinity of South 30th Street. Add a note that states: "The applicant acknowledges the City has the right to eliminate left turn movements at the intersection of South 28th Street and Grainger Parkway in the future if warranted by traffic volumes."~~ **(**As requested by the applicant and approved by Planning Commission, 01/09/02**)**
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~~design is to be approved by the Public Works Department to show a standard handicap ramp crossing.~~ **(**As requested by the applicant and approved by Planning Commission on 01/09/02**)**

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curb. (****As requested by staff (single underlined portion) and the applicant (double underlined portion), and approved by Planning Commission on 01/09/02****)

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1.2 Applicant will enter into an off-site improvement agreement with the City that stipulates the type, timing, and amount of contributions for required off-site improvements.

2. The City Council approves associated requests:

2.1 Change of Zone #3297

2.2 Change of Zone #3298.

2.3 Use Permit #134.

2.4 The following waivers to design standards:

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3.1 The sidewalks, streets, drainage facilities, street lighting, landscape screens, street trees, water mains, sanitary sewer, temporary turnarounds and barricades, and street name signs have been completed or the subdivider has submitted a bond or an escrow of security agreement to guarantee their completion.

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3.2.1 To submit to the Director of Public Works an erosion control plan.

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Prepared by: Brian Will, AICP
Planner

**CHANGE OF ZONE NO. 3297;
CHANGE OF ZONE NO. 3298;
PRELIMINARY PLAT NO. 00029,
PINE LAKE HEIGHTS SOUTH 4TH ADDITION;
and
USE PERMIT NO. 134**

PUBLIC HEARING BEFORE PLANNING COMMISSION:

January 9, 2002

Members present: Duvall, Bills, Hunter, Carlson, Taylor, Newman, Krieser, Steward and Schwinn.

Staff recommendation: Approval of Change of Zone No. 3297; approval of Change of Zone No. 3298, with amendment to provide an O-3 buffer between the B-2 and R-3 districts at South 40th Street and Yankee Hill Road; conditional approval of the preliminary plat; and conditional approval of the use permit.

Brian Will of Planning staff submitted proposed revisions to the conditions of approval on the preliminary plat.

Proponents

1. Kent Seacrest appeared on behalf of the applicant. What is being requested in these applications started in 1999 with a big annexation area incorporating a lot of new innovative things which have not worked. We tried to put the B-2 neighborhood center up at the mid-section and the neighborhood to the north did not want B-2 and did not want it up against the park. We tried to do the first "new urbanism" type center, and our topography was determined to be too steep to do garages in the alley. The consultants suggested that the property needed to be flatter so people would not have to carry their groceries up the stairs. We tried to do the super arterial (Yankee Hill Road) with little access to it. We were going to build a new internal arterial road network to connect the B-2 and urban center. When the city lost its enthusiasm for the super arterial, we did not want to do the internal arterial road. These applications change the previous configuration slightly.

The issue is what to do with the B-2. There is a ditch and staff has suggested that the property on one side of the ditch be O-3 so that the B-2 is buffered by O-3. The applicant seeks approval to do the whole thing B-2 with the R-4 and R-3 buffer. Today we are debating whether it is best to have B-2 to O-3 to R-4, or B-2 directly to R-4. The applicant would prefer B-2 directly into R-4 because it is a better transition. R-4 apartments have worked well up against shopping areas and the larger B-2 gives more layout potential with more open space and green space. The applicant also feels strong about the fact that B-2 has bigger setbacks. We are putting a public front yard up against the R-4 so that the B-2 setback would be 50'. O-3 would only require a 10' setback against the residential zoned land.

Seacrest also pointed out the important fact that this applicant owns all of the land around this project and they are not afraid of buffering themselves from their own B-2. In addition, B-2 requires a use permit.

Seacrest pointed out that there are 33 instances in Lincoln that have B-2 on the corner like this. 25 times, or 75% of the time, we have buffered them with an R-1, R-2 or R-3. This application proposes buffering with R-3 and R-4. So this is really nothing different. A total office buffer around B-2 has never been done. Seacrest also pointed out that the requested B-2 zoning does allow office use.

Seacrest went on to state that the applicant has spent a fortune negotiating the off-site road improvements and doing traffic studies based on B-2. The applicant is paying for the road improvements based on the B-2 zoning. To now be told to cut back to O-3 does not refund the cost of the traffic work that has been done. Seacrest urged that the bulk of the buffering of the B-2 can be done with the R-4 and R-3. The applicant is proposing an outlot giving 10 more feet on the R-3.

The second issue is the conditions on the preliminary plat. Seacrest submitted proposed revisions to the conditions of approval. He believes they have worked out all of the changes with the staff, except for Condition #1.1.3, which requires the applicant to revise the site plan so that there are no double frontage lots. Seacrest purports that this is a unique fact pattern because the old configuration of street layouts was working well. Giving up the double frontage will result in loss of 5 lots and they would end up doing more concrete, more water and more sewer. Seacrest suggested that not only does the private sector lose by getting rid of double frontage, but the public loses because they will have more streets, water and sewer to worry about. Seacrest suggested a compromise with an amendment to Condition #1.1.3 to put in a 10' outlot landscaped rather than the double frontage lots--basically a roadway perimeter.

Seacrest also requested to add language to the staff's proposed additional Condition #1.1.15: "In the event a future Yankee Hill Road intersection or related right turn lane does not meet sight distance or proper safety standards,.....", then we either relocate South 33rd Street and South 37th Street at Yankee Hill Road intersections, etc.

There was no testimony in opposition.

Staff Response

Brian Will of Planning staff stated that the largest outstanding issue is relative to the change of zone for the southeast corner. The staff is suggesting that it not go forward as proposed by the applicant largely because we do not know what use is being proposed for that particular corner. Originally, as this was proposed, the amount of B-2 that is being allowed really was to accommodate some new concepts; however, that has changed and the stance now is that the Comprehensive Plan indicates we are looking for two 20-acre neighborhood centers in this area. The amount of B-2 being shown is in excess of that. We do not see justification for this at this time without any specific proposal for that corner to be all B-2. The intent of the neighborhood center is to serve the neighbors within that vicinity and we see this application changing the character of the commercial development with all B-2.

Carlson requested to discuss the potential coordination between the R-4 and B-2. Are there opportunities to get new urbanistic or some sort of preferred design that show nice integration between the B-2 and the R-4? Would the use permit re-justify the additional B-2 zoning? Will agreed that a use permit proposal could potentially change the staff recommendation, but it is purely speculation at this point without the use permit.

Steward wondered by what order of magnitude the B-2 has increased over the Comprehensive Plan recommendation. Will stated that neighborhood centers are 20 acres, plus or minus. What is being proposed here is slightly over 50 acres for two neighborhood centers. Seacrest interjected, stating that it is a 3-acre increase from the old pattern to the new pattern. Will went on to state that the original zoning scheme was approved with an overall development concept in mind and that development concept has gone away.

Will clarified that it is only Change of Zone 3298 that affects this southeast corner. Change of Zone No. 3297 rezones all of the property within the limits of the plat to R-3. The use permit is for the southwest corner.

Schwinn asked whether B-2 allows the "big box" retail. Will stated that it would require a special permit.

With regard to the double frontage lots, Will stated that the problem is that the ordinance requires that there be justification in order for staff to make a recommendation to support the waiver to allow double frontage lots. In both cases here, the staff believes that there are some simple modifications that could do away with the double frontage lots. The staff takes the position that the situation can be and should be avoided. There are alternatives that could be easily implemented to do away with the double frontage lots. Therefore, staff does not support that waiver.

Schwinn inquired as to the difference in having the back yard on O-3 and B-2 versus the front yard. Will stated that the staff takes the position that we can assure a greater compatibility of land uses.

Hunter was curious about the transition between B-2, O-3 and R-4. What's the difference between B-2 and R-4 in a situation like at Pioneers and 70th where we have HyVee and apartments right next to it? Will agreed that there may not be any difference, but that is part of the problem. We don't know because we don't have a use permit for the southeast corner. We don't have justification without the use permit to do away with what we perceive to be the O-3 buffer between the residential and the B-2 zoning.

Hunter pointed out that there is no buffer on the development at 70th & Pioneers. Will was not familiar with the details at 70th & Pioneers but he believes there might have been a more comprehensive review of that development project when it was being considered. Ray Hill of Planning staff offered that 70th & Pioneers was all part of the comprehensive plan of that site. The developer asked for a reduction of the B-2 zoning in order to put in the apartments. It was all integrated into a total package. Here, we have no site plan to judge whether or not it should be rezoned. Hunter does not believe that having the R-4 setup right adjacent to a B-2

development is not necessarily a bad thing. Hill responded, stating that staff is not saying it is a bad thing – we do not have a site plan to know whether what they are proposing is good or bad. Carlson then noted that the original application had R-3 next to B-2, so clearly that circumstance can be created. Will concurred, “we just need to see it”.

Will then further explained the proposed amendments requested by staff with regard to the LES easements.

Will agreed with the applicant’s proposed amendments including the additional language to staff’s revised Condition #1.1.15, except that the staff does not agree with the applicant’s proposed amendment to Condition #1.1.3 regarding the double frontage lots.

Response by the Applicant

Seacrest pointed out that double frontage lots are legal, with justification. Seacrest believes the applicant has given two justifications: The loss of 5 lots, resulting in more infrastructure at the developer’s expense that the city maintains. The third justification is that reconfiguration results in a four-way intersection that is not allowed. It will also crunch the bike trail.

With regard to the zoning issue, Seacrest asked the Commission to listen carefully. The staff is saying that they do not have confidence with B-2 up against Residential, yet over 75% of the B-2’s have this. That is why there is a 50’ setback on B-2 and a use permit requirement. The other argument is that they don’t have the use permit. On first instinct that makes a lot of sense, but Seacrest intellectually rejects this thought because if he has to rely on the Comprehensive Plan to tell his neighbors he’s putting retail there, it doesn’t work. He would rather tell them what the zoning is. He wants to put the neighbors on notice that there is B-2 coming. When you balance the public and private interest, it is best to zone it. There is still a public hearing on the use permit and there are setback requirements.

Carlson indicated that he likes to see the B and the R together if the uses are integrated. He likes the idea with neighborhood commercial oriented to the neighborhood. He is hearing staff say that the original proposal had the acreage that the Comprehensive Plan called for and then some additional acreage specified because it was going to be something extraordinary. Seacrest interrupted and disagreed. He clarified that they originally brought in a whole 500 acres called Wilderness Ridge Golf Course, without a stitch of retail. This piece does have more retail, but we were doing it at the same time we brought in most of the section without any retail. Together we were balancing the Comprehensive Plan standard. Carlson again stated that he likes the idea of the B-2 next to the R-3 if it is designed to work together. Seacrest suggested that the burden will be on the developer to show by a use permit some day that it will not harm the residential neighborhood. We can’t bring the use permit forward yet because the south half is unsewerable until we open up the next basin, so this corner is going to be there for awhile in its present configuration. We will not be coming in this year with a use permit. We’ve got to get the new Comprehensive Plan showing the growth and new basin to the south first.

Public hearing was closed.

PRELIMINARY PLAT NO. 00029

PINE LAKE HEIGHTS SOUTH 4TH ADDITION

ADMINISTRATIVE ACTION BY PLANNING COMMISSION:

January 9, 2002

Bills moved to approve the staff recommendation of conditional approval, as set forth in the staff report dated December 18, 2001, with the amendments proposed by staff dated January 9, 2002 (adding the language requested by the applicant to new Condition #1.1.15), and with the amendments proposed by the applicant on January 9, 2002, seconded by Hunter. Motion carried 9-0: Duvall, Bills, Hunter, Carlson, Taylor, Newman, Krieser, Steward and Schwinn voting 'yes'.

PINE LAKE HEIGHTS SOUTH FOURTH ADDITION

NAME OF THE PROJECT AREA

DATE

DATE



1111 South 4th
Lincoln, NE 68502
402-441-1111
www.olsson.com

PINE LAKE
HEIGHTS
SOUTH
FOURTH
ADDITION

SITE
PLAN

LINCOLN
NEBRASKA
2001

PROJECT NO. 01-0001
DATE: 01/01/01
BY: [Signature]

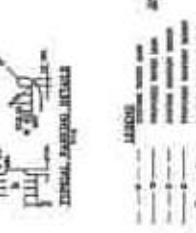
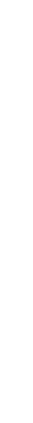
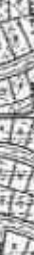
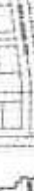
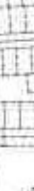
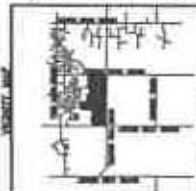
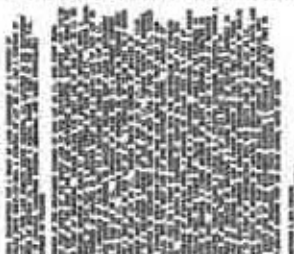


SHEET
1 OF 14

PRELIMINARY PLAN AND SITE PLAN
APPROVED FOR RECORD
DATE: 01/01/01
BY: [Signature]

LEGAL DESCRIPTION
PINE LAKE HEIGHTS SOUTH
FOURTH ADDITION

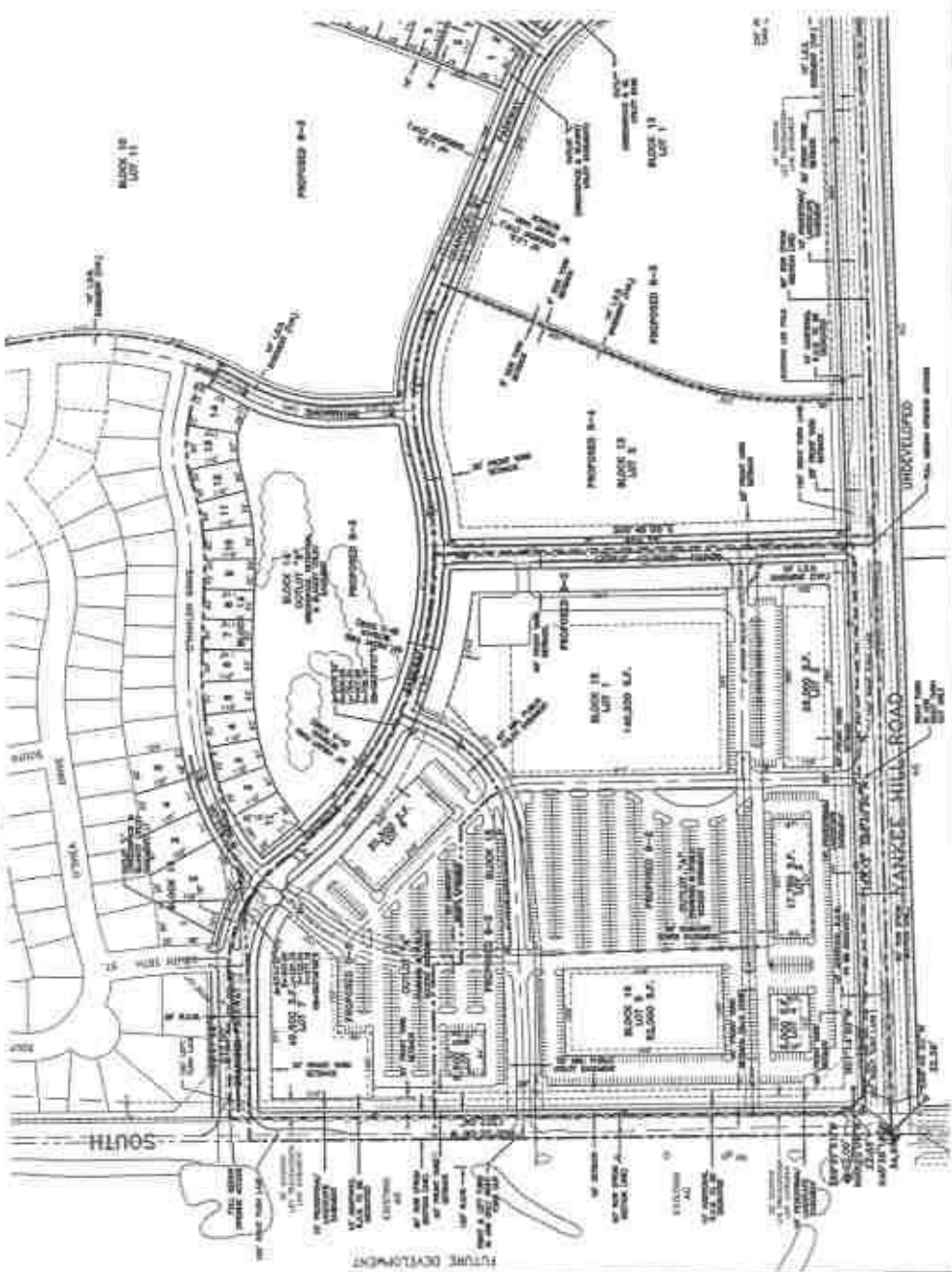
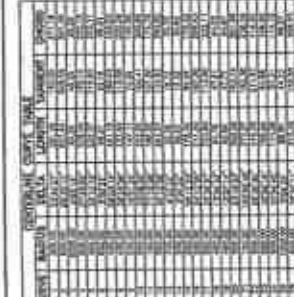
USE POINT



SHEET 3 OF 14

SHEET 3 OF 14

For more information, contact the author at shirley@shirleyandjohn.com.





**LEGAL DESCRIPTION
PRELIMINARY PLAT**

A LEGAL DESCRIPTION FOR A TRACT OF LAND COMPOSED OF LOT 2 BLOCK 2, PINE LAKE HEIGHTS SOUTH 2ND ADDITION, LOTS 27 THROUGH 31 BLOCK 3, PINE LAKE HEIGHTS SOUTH 3RD ADDITION, OUTLOT "B", PINE LAKE HEIGHTS SOUTH ADDITION, OUTLOT "G", PINE LAKE HEIGHTS 11TH ADDITION, LOT 15 BLOCK 2, PINE LAKE HEIGHTS SOUTH ADDITION, LOT 22 BLOCK 3 PINE LAKE HEIGHTS SOUTH ADDITION, OUTLOT "C", PINE LAKE HEIGHTS SOUTH ADDITION, LOT 1 BLOCK 4, PINE LAKE HEIGHTS SOUTH 3RD ADDITION, LOT 27 I.T., LOT 21 I.T., AND LOT 32 I.T., ALL LOCATED IN SECTION 19, TOWNSHIP 9 NORTH, RANGE 7 EAST OF THE 6TH P.M., CITY OF LINCOLN, LANCASTER COUNTY, NEBRASKA, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF SAID LOT 32 I.T., SAID POINT BEING 50.00 FEET NORTH OF THE SOUTH LINE OF SAID SOUTHWEST QUARTER, AND 107.58 FEET EAST OF THE WEST LINE OF SAID SOUTHWEST QUARTER, SAID POINT BEING THE **TRUE POINT OF BEGINNING**, THENCE ALONG THE WEST LINE OF SAID LOT 32 I.T. ON A ASSUMED BEARING OF NORTH 01 DEGREES 14 MINUTES 30 SECONDS WEST, A DISTANCE OF 10.00 FEET TO A SOUTH CORNER OF SAID LOT 32 I.T., THENCE SOUTH 88 DEGREES 45 MINUTES 30 SECONDS WEST ALONG A SOUTH LINE OF SAID LOT 32 I.T., A DISTANCE OF 22.38 FEET TO A SOUTHWEST CORNER OF SAID LOT 32 I.T., THENCE NORTH 45 DEGREES 38 MINUTES 19 SECONDS WEST ALONG A SOUTHWEST LINE OF SAID LOT 32 I.T., A DISTANCE OF 34.98 FEET TO A SOUTHWEST CORNER OF SAID LOT 32 I.T., THENCE NORTH 00 DEGREES 02 MINUTES 09 SECONDS WEST ALONG A WEST LINE OF SAID LOT 32 I.T., A DISTANCE OF 22.38 FEET TO A SOUTH CORNER OF SAID LOT 32 I.T., THENCE SOUTH 89 DEGREES 57 MINUTES 51 SECONDS WEST ALONG A SOUTH LINE OF SAID LOT 32 I.T., A DISTANCE OF 10.00 FEET TO A SOUTHWEST CORNER OF SAID LOT 32 I.T., THENCE NORTH 00 DEGREES 02 MINUTES 08 SECONDS WEST ALONG THE WEST LINE OF SAID LOT 32 I.T., OUTLOT "C", AND O'HANLON DRIVE RIGHT-OF-WAY, SAID LINE BEING 50.00 FEET EAST OF AND PARALLEL WITH THE WEST LINE OF SAID SOUTHWEST QUARTER, A DISTANCE OF 1,322.06 FEET TO A POINT OF INTERSECTION WITH THE CENTERLINE OF O'HANLON DRIVE, THENCE NORTH 89 DEGREES 57 MINUTES 52 SECONDS EAST ALONG THE CENTERLINE OF O'HANLON DRIVE, A DISTANCE OF 312.00 FEET TO A POINT OF CURVATURE, THENCE ALONG A CURVE IN A COUNTER CLOCKWISE DIRECTION, HAVING A RADIUS OF 1500.00 FEET, ARC LENGTH OF 28.87 FEET, DELTA ANGLE OF 01 DEGREES 06 MINUTES 09 SECONDS, A CHORD BEARING OF NORTH 89 DEGREES 24 MINUTES 47 SECONDS EAST ALONG THE CENTER LINE OF O'HANLON DRIVE, AND A

CHORD LENGTH OF 28.87 FEET TO A POINT OF INTERSECTION WITH THE CENTERLINE OF SOUTH 28TH STREET, THENCE NORTH 01 DEGREES 08 MINUTES 18 SECONDS WEST ALONG THE CENTERLINE OF SOUTH 28TH STREET, A DISTANCE OF 117.65 FEET TO A POINT OF CURVATURE, THENCE ALONG A CURVE IN A COUNTERCLOCKWISE DIRECTION, HAVING A RADIUS OF 600.00 FEET, ARC LENGTH OF 35.92 FEET, DELTA ANGLE OF 03 DEGREES 25 MINUTES 49 SECONDS, A CHORD BEARING OF NORTH 02 DEGREES 51 MINUTES 12 SECONDS WEST ALONG THE CENTERLINE OF SOUTH 28TH STREET, AND A CHORD LENGTH OF 35.92 FEET TO A POINT, THENCE NORTH 85 DEGREES 25 MINUTES 54 SECONDS EAST ALONG AN EXTENSION OF THE NORTH LINE OF LOT 2 BLOCK 2, PINE LAKE HEIGHTS SOUTH 2ND ADDITION, AND THE NORTH LINE OF SAID LOT, A DISTANCE OF 114.62 FEET TO THE NORTHEAST CORNER OF SAID LOT 2, THENCE NORTH 79 DEGREES 57 MINUTES 31 SECONDS EAST ALONG THE NORTH LINE OF LOTS 27 THROUGH 31 BLOCK 3, PINE LAKE HEIGHTS SOUTH 3RD ADDITION, A DISTANCE OF 320.75 FEET TO THE NORTHEAST CORNER OF SAID LOT 27, THENCE SOUTH 09 DEGREES 49 MINUTES 33 SECONDS EAST ALONG THE EAST LINE OF SAID LOT 27, AND AN EXTENSION OF SAID EAST LINE, A DISTANCE OF 179.22 FEET TO A POINT OF INTERSECTION WITH THE SOUTH LINE OF O'HANLON DRIVE RIGHT-OF-WAY, THENCE ALONG A CURVE IN A CLOCKWISE DIRECTION, HAVING A RADIUS OF 970.00 FEET, ARC LENGTH OF 202.14 FEET, DELTA ANGLE OF 11 DEGREES 56 MINUTES 24 SECONDS, A CHORD BEARING OF NORTH 86 DEGREES 08 MINUTES 39 SECONDS EAST ALONG THE SOUTH LINE OF SAID RIGHT-OF-WAY, AND A CHORD LENGTH OF 201.78 FEET TO A POINT OF REVERSE CURVATURE, THENCE ALONG A CURVE IN A COUNTERCLOCKWISE DIRECTION, HAVING A RADIUS OF 530.00 FEET, ARC LENGTH OF 185.50 FEET, DELTA ANGLE OF 20 DEGREES 03 MINUTES 14 SECONDS, A CHORD BEARING OF NORTH 82 DEGREES 05 MINUTES 14 SECONDS EAST ALONG THE SOUTH LINE OF SAID RIGHT-OF-WAY, AND A CHORD LENGTH OF 184.56 FEET TO A POINT OF REVERSE CURVATURE, THENCE ALONG A CURVE IN A CLOCKWISE DIRECTION, HAVING A RADIUS OF 275.00 FEET, ARC LENGTH OF 151.42 FEET, DELTA ANGLE OF 31 DEGREES 32 MINUTES 55 SECONDS, A CHORD BEARING OF NORTH 87 DEGREES 50 MINUTES 05 SECONDS EAST ALONG THE SOUTH LINE OF SAID RIGHT-OF-WAY, AND A CHORD LENGTH OF 149.52 FEET TO A POINT OF TANGENCY, THENCE SOUTH 76 DEGREES 23 MINUTES 28 SECONDS EAST ALONG THE SOUTH LINE OF SAID RIGHT-OF-WAY, A DISTANCE OF 73.29 FEET TO A POINT OF INTERSECTION WITH THE WEST LINE OF BRUMMOND DRIVE, THENCE ALONG A CURVE IN A CLOCKWISE DIRECTION, HAVING A RADIUS OF 620.00 FEET, ARC LENGTH OF 30.00 FEET, DELTA ANGLE OF 02 DEGREES 46 MINUTES 22 SECONDS, A CHORD BEARING OF SOUTH 23 DEGREES 01 MINUTES 45 SECONDS WEST ALONG THE WEST LINE OF BRUMMOND DRIVE RIGHT-OF-WAY, AND A CHORD LENGTH OF 30.00 FEET TO THE

SOUTHWEST CORNER OF SAID RIGHT-OF-WAY, SOUTH 65 DEGREES 35 MINUTES 04 SECONDS EAST ALONG THE SOUTH LINE OF SAID RIGHT-OF-WAY, A DISTANCE OF 60.00 FEET TO THE SOUTHEAST CORNER OF SAID RIGHT-OF-WAY, THENCE ALONG A CURVE IN A COUNTER CLOCKWISE DIRECTION, HAVING A RADIUS OF 680.00 FEET, ARC LENGTH OF 383.44 FEET, DELTA ANGLE OF 32 DEGREES 18 MINUTES 30 SECONDS, A CHORD BEARING OF NORTH 08 DEGREES 15 MINUTES 41 SECONDS EAST ALONG THE EAST LINE OF SAID RIGHT-OF-WAY, AND A CHORD LENGTH OF 378.38 FEET TO A POINT OF TANGENCY, THENCE NORTH 07 DEGREES 53 MINUTES 34 SECONDS WEST ALONG THE EAST LINE OF SAID RIGHT-OF-WAY, A DISTANCE OF 194.05 FEET TO THE POINT OF CURVATURE, THENCE ALONG A CURVE IN A CLOCKWISE DIRECTION, HAVING A RADIUS OF 720.00 FEET, ARC LENGTH OF 374.91 FEET, DELTA ANGLE OF 29 DEGREES 50 MINUTES 05 SECONDS, A CHORD BEARING OF NORTH 07 DEGREES 01 MINUTES 29 SECONDS EAST ALONG THE EAST LINE OF SAID RIGHT-OF-WAY, AND A CHORD LENGTH OF 370.69 FEET TO A POINT OF REVERSE CURVATURE, THENCE ALONG A CURVE IN A COUNTER CLOCKWISE DIRECTION, HAVING A RADIUS OF 455.00 FEET, ARC LENGTH OF 57.57 FEET, DELTA ANGLE OF 07 DEGREES 14 MINUTES 58 SECONDS, A CHORD BEARING OF NORTH 18 DEGREES 19 MINUTES 03 SECONDS EAST ALONG THE EAST LINE OF SAID RIGHT-OF-WAY, AND A CHORD LENGTH OF 57.53 FEET TO A POINT, THENCE ALONG A CURVE IN A COUNTER CLOCKWISE DIRECTION, HAVING A RADIUS OF 61.50 FEET, ARC LENGTH OF 138.17 FEET, DELTA ANGLE OF 128 DEGREES 43 MINUTES 33 SECONDS, A CHORD BEARING OF NORTH 07 DEGREES 41 MINUTES 36 SECONDS EAST ALONG THE EAST LINE OF SAID RIGHT-OF-WAY, AND A CHORD LENGTH OF 110.89 FEET TO A POINT, THENCE ALONG A CURVE IN A COUNTER CLOCKWISE DIRECTION, HAVING A RADIUS OF 455.00 FEET, ARC LENGTH OF 5.99 FEET, DELTA ANGLE OF 00 DEGREES 45 MINUTES 15 SECONDS, A CHORD BEARING OF NORTH 00 DEGREES 19 MINUTES 01 SECONDS EAST ALONG THE EAST LINE OF SAID RIGHT-OF-WAY LINE, AND A CHORD LENGTH OF 5.99 FEET TO A POINT OF TANGENCY, THENCE NORTH 00 DEGREES 03 MINUTES 37 SECONDS WEST ALONG THE EAST LINE OF SAID RIGHT-OF-WAY, A DISTANCE OF 89.50 FEET TO THE NORTHWEST CORNER OF LOT 1 BLOCK 4, PINE LAKE HEIGHTS SOUTH 3RD ADDITION, THENCE SOUTH 89 DEGREES 35 MINUTES 44 SECONDS EAST ALONG THE NORTH LINE OF SAID LOT 1, A DISTANCE OF 615.67 FEET TO A NORTHEAST CORNER OF SAID LOT 1, THENCE NORTH 19 DEGREES 17 MINUTES 28 SECONDS EAST ALONG THE WEST LINE OF LOT 15 BLOCK 2, PINE LAKE HEIGHTS SOUTH ADDITION, A DISTANCE OF 76.40 FEET TO THE NORTHERNMOST CORNER OF SAID LOT 15, THENCE ALONG A CURVE IN A COUNTER CLOCKWISE DIRECTION, HAVING A RADIUS OF 725.18 FEET, ARC LENGTH OF 104.42 FEET, DELTA ANGLE OF 08 DEGREES 15 MINUTES 01 SECONDS, A CHORD BEARING OF

SOUTH 45 DEGREES 44 MINUTES 21 SECONDS EAST ALONG THE NORTHEAST LINE OF SAID LOT 15, AND A CHORD LENGTH OF 104.33 FEET TO THE NORTHEAST CORNER OF SAID LOT 15, THENCE SOUTH 39 DEGREES 53 MINUTES 00 SECONDS WEST ALONG THE EAST LINE OF SAID LOT 15, A DISTANCE OF 108.91 FEET TO A SOUTHEAST CORNER OF SAID LOT 15, THENCE SOUTH 52 DEGREES 19 MINUTES 38 SECONDS EAST ALONG A NORTHEAST LINE OF LOT 1 BLOCK 4, PINE LAKE HEIGHTS SOUTH 3RD ADDITION, A DISTANCE OF 84.00 FEET TO A POINT OF DEFLECTION, THENCE SOUTH 57 DEGREES 53 MINUTES 55 SECONDS EAST ALONG A NORTHEAST LINE OF SAID LOT 1, A DISTANCE OF 83.00 FEET TO A NORTHEAST CORNER OF SAID LOT 1, THENCE SOUTH 19 DEGREES 09 MINUTES 29 SECONDS WEST ALONG A EAST LINE OF SAID LOT 1, A DISTANCE OF 75.08 FEET TO A POINT OF DEFLECTION, THENCE SOUTH 15 DEGREES 58 MINUTES 45 SECONDS WEST ALONG A EAST LINE OF SAID LOT 1, A DISTANCE OF 76.02 FEET TO A POINT OF DEFLECTION, THENCE SOUTH 06 DEGREES 18 MINUTES 27 SECONDS WEST ALONG A EAST LINE OF SAID LOT 1, A DISTANCE OF 80.97 FEET TO A POINT OF DEFLECTION, THENCE SOUTH 00 DEGREES 02 MINUTES 31 SECONDS WEST ALONG A EAST LINE OF SAID LOT 1, A DISTANCE OF 66.73 FEET TO A POINT OF DEFLECTION, THENCE SOUTH 00 DEGREES 02 MINUTES 27 SECONDS EAST ALONG THE EAST LINE OF SAID LOT 1, A DISTANCE OF 454.04 FEET TO THE SOUTHWEST CORNER OF LOT 1 BLOCK 2, PINE LAKE HEIGHTS SOUTH ADDITION, THENCE NORTH 89 DEGREES 57 MINUTES 33 SECONDS EAST ALONG THE SOUTH LINE OF SAID LOT 1, A DISTANCE OF 110.00 FEET TO THE SOUTHEAST CORNER OF SAID LOT 1, THENCE SOUTH 00 DEGREES 02 MINUTES 27 SECONDS EAST ALONG THE EAST LINE OF OUTLOT "B", PINE LAKE HEIGHTS SOUTH ADDITION, SAID LINE BEING THE WEST LINE OF SOUTH 33RD STREET RIGHT-OF-WAY, A DISTANCE OF 10.00 FEET TO A SOUTHWEST CORNER OF SAID RIGHT-OF-WAY, THENCE NORTH 89 DEGREES 57 MINUTES 33 SECONDS EAST ALONG THE SOUTH LINE OF SAID RIGHT-OF-WAY, A DISTANCE OF 60.00 FEET TO THE SOUTHEAST CORNER OF SAID RIGHT-OF-WAY, THENCE NORTH 00 DEGREES 02 MINUTES 27 SECONDS WEST ALONG THE EAST LINE OF SAID RIGHT-OF-WAY, A DISTANCE OF 72.46 FEET TO THE NORTHWEST CORNER OF LOT 22 BLOCK 3, PINE LAKE HEIGHTS SOUTH ADDITION, THENCE NORTH 89 DEGREES 57 MINUTES 33 SECONDS EAST ALONG A NORTH LINE OF SAID LOT 22, A DISTANCE OF 110.00 FEET TO THE NORTHEAST CORNER OF SAID LOT 22, THENCE NORTH 00 DEGREES 02 MINUTES 27 SECONDS WEST ALONG A WEST LINE OF OUTLOT "B", PINE LAKE HEIGHTS SOUTH ADDITION, A DISTANCE OF 276.40 FEET TO A NORTHWEST CORNER OF SAID OUTLOT "B", THENCE NORTH 89 DEGREES 57 MINUTES 17 SECONDS EAST ALONG A NORTH LINE OF SAID OUTLOT "B", A DISTANCE OF 256.30 FEET TO A POINT OF INTERSECTION WITH THE WEST RIGHT-OF-WAY LINE OF SOUTH 34TH STREET RIGHT-OF-WAY, THENCE SOUTH 00 DEGREES 02 MINUTES 43 SECONDS EAST ALONG THE

WEST LINE OF SAID RIGHT-OF-WAY, A DISTANCE OF 10.00 FEET TO THE SOUTHWEST CORNER OF SAID RIGHT-OF-WAY, THENCE NORTH 89 DEGREES 57 MINUTES 17 SECONDS EAST ALONG THE SOUTH LINE OF SAID RIGHT-OF-WAY, A DISTANCE OF 60.00 FEET TO THE SOUTHEAST CORNER OF SAID RIGHT-OF-WAY, THENCE NORTH 00 DEGREES 02 MINUTES 43 SECONDS WEST ALONG THE EAST LINE OF SAID RIGHT-OF-WAY, A DISTANCE OF 26.98 FEET TO A NORTH CORNER OF SAID OUTLOT "B", THENCE NORTH 89 DEGREES 57 MINUTES 33 SECONDS EAST ALONG A NORTH LINE OF SAID OUTLOT "B", A DISTANCE OF 110.00 FEET TO THE NORTHEAST CORNER OF SAID OUTLOT "B", THENCE SOUTH 00 DEGREES 02 MINUTES 43 SECONDS EAST ALONG THE EAST LINE OF SAID OUTLOT "B", A DISTANCE OF 252.10 FEET TO THE NORTHWEST CORNER OF LOT 31 I.T., THENCE SOUTH 89 DEGREES 36 MINUTES 14 SECONDS EAST ALONG THE NORTH LINE OF SAID LOT 31 I.T., A DISTANCE OF 789.77 FEET TO THE SOUTHWEST CORNER OF OUTLOT "G", PINE LAKE HEIGHTS 11TH ADDITION, THENCE NORTH 00 DEGREES 02 MINUTES 43 SECONDS WEST ALONG THE WEST LINE OF SAID OUTLOT "G", A DISTANCE OF 102.84 FEET TO THE NORTHWEST CORNER OF SAID OUTLOT "G", THENCE NORTH 89 DEGREES 57 MINUTES 17 SECONDS EAST ALONG THE NORTH LINE OF SAID OUTLOT "G", A DISTANCE OF 232.60 FEET TO A POINT OF DEFLECTION, THENCE NORTH 81 DEGREES 45 MINUTES 04 SECONDS EAST ALONG THE NORTH LINE OF SAID OUTLOT "G", A DISTANCE OF 100.14 FEET TO A POINT OF DEFLECTION, THENCE NORTH 81 DEGREES 52 MINUTES 11 SECONDS EAST ALONG A NORTH LINE OF SAID OUTLOT "G", A DISTANCE OF 261.99 FEET TO A POINT OF DEFLECTION, THENCE NORTH 85 DEGREES 36 MINUTES 54 SECONDS EAST ALONG THE NORTH LINE OF SAID OUTLOT "G", A DISTANCE OF 68.50 FEET TO A POINT OF DEFLECTION, THENCE SOUTH 89 DEGREES 26 MINUTES 21 SECONDS EAST ALONG THE NORTH LINE OF SAID OUTLOT "G", A DISTANCE OF 219.97 FEET TO A POINT OF DEFLECTION, THENCE SOUTH 79 DEGREES 04 MINUTES 53 SECONDS EAST ALONG A NORTH LINE OF SAID OUTLOT "G", A DISTANCE OF 62.04 FEET TO A POINT OF DEFLECTION, THENCE SOUTH 89 DEGREES 35 MINUTES 16 SECONDS EAST ALONG THE NORTH LINE OF SAID OUTLOT "G", A DISTANCE OF 281.09 FEET TO THE NORTHEAST CORNER OF SAID OUTLOT "G", SAID POINT BEING 68.00 FEET WEST OF THE EAST LINE OF SAID SOUTHEAST QUARTER, THENCE SOUTH 00 DEGREES 05 MINUTES 36 SECONDS WEST ALONG THE EAST LINE OF SAID OUTLOT "G", SAID LINE BEING 68.00 FEET WEST OF AND PARALLEL WITH THE EAST LINE OF SAID SOUTHEAST QUARTER, A DISTANCE OF 32.15 FEET TO A POINT OF DEFLECTION, THENCE SOUTH 00 DEGREES 46 MINUTES 15 SECONDS EAST ALONG THE EAST LINE OF SAID OUTLOT "G", A DISTANCE OF 120.07 FEET TO THE SOUTHEAST CORNER OF SAID OUTLOT "G", SAID POINT BEING 66.19 FEET WEST OF THE EAST LINE OF SAID SOUTHEAST QUARTER, THENCE SOUTH 00 DEGREES 45 MINUTES 55 SECONDS EAST ALONG THE EAST LINE OF LOT

31 I.T., A DISTANCE OF 1080.04 FEET TO A POINT OF DEFLECTION, SAID POINT BEING 50.00 FEET WEST OF THE EAST LINE OF SAID SOUTHEAST QUARTER, THENCE SOUTH 00 DEGREES 05 MINUTES 36 SECONDS WEST ALONG THE EAST LINE OF SAID LOT 31 I.T., SAID LINE BEING 50.00 FEET WEST OF AND PARALLEL WITH THE EAST LINE OF SAID SOUTHEAST QUARTER, A DISTANCE OF 499.63 FEET TO A POINT OF DEFLECTION, THENCE SOUTH 03 DEGREES 00 MINUTES 43 SECONDS WEST ALONG THE EAST LINE OF SAID LOT 31 I.T., A DISTANCE OF 196.41 FEET TO THE SOUTHEAST CORNER OF SAID LOT 31 I.T., SAID POINT BEING 60.00 FEET WEST OF THE EAST LINE OF SAID SOUTHEAST QUARTER, THENCE NORTH 88 DEGREES 05 MINUTES 40 SECONDS WEST ALONG THE SOUTH LINE OF SAID LOT 31 I.T., SAID LINE BEING 50.00 FEET NORTH OF AND PARALLEL WITH THE SOUTH LINE OF SAID SOUTHEAST QUARTER, A DISTANCE OF 2,582.05 FEET TO THE SOUTHWEST CORNER OF SAID LOT 31 I.T., THENCE SOUTH 88 DEGREES 45 MINUTES 30 SECONDS WEST ALONG THE SOUTH LINE OF LOT 32 I.T., SAID LINE BEING 50.00 FEET NORTH OF AND PARALLEL WITH THE SOUTH LINE OF SAID SOUTHWEST QUARTER, A DISTANCE OF 2,539.92 FEET TO THE POINT OF BEGINNING, SAID TRACT CONTAINS A CALCULATED AREA OF 9,387,906.31 SQUARE FEET OR 215.52 ACRES, MORE OR LESS.

SEPTEMBER 6, 2001 (11:07AM)
A:\PRELIM.RTF

M e m o r a n d u m

007 24 2001

To: Brian Will, Planning
From: Dennis Bartels, Engineering Services
Subject: Pine Lake Heights South 4th Addition Preliminary Plat and Use Permit
Date: October 23, 2001
cc: Roger Figard
Nicole Fleck-Tooze
Virendra Singh
Gary Brandt
Nick McElvain

Engineering Services has reviewed the revised use permit and preliminary plat for Pine Lake Heights South 4th located between 27th and 40th north of Yankee Hill Road and has the following comments:

1. Water - The proposed water main in South 37th Street north of Yankee Hill Road needs to be an 8" main not 6" as shown because of the commercial zoning on the east side of the street. The 16" water main in Yankee Hill Road was intended per the annexation agreement for this area to be located interior to this subdivision. Due to changed assumptions in the street system, this location may be appropriate, but the construction timing and costs need to be addressed.
2. Sanitary Sewer - The proposed sanitary sewer system is satisfactory. This includes the proposed waivers for depth and transfer of sewage from one sub-drainage basin to another.
3. Drainage - Public storm sewer easements are required to be 30' wide. Several easements are shown as 20' easements. The storm sewer on Lot 6, Block 5 can be built as a private storm sewer without an easement. However, space is needed for this storm sewer and for the potential overland flow overtop the pipe. An overland flow swale should be shown on the grading plan and a private easement to prevent the area of the pipe and drainage swale from being built over.

The storm water detention system includes off site detention west of South 27th Street. Any plat approval needs assurance that the basins can and will be built at the appropriate time of the development sequence.

4. Streets and Sidewalks - The pavement widths and right-of-way of Grainger Parkway and South 33rd needs to be a minimum of 33' wide and 66' of right-of-way. The lanes provided need to be consistent with the traffic impact study.

The plat shows O'Hanlon Drive intersecting Grainger Parkway. This is unsatisfactory due to the traffic volumes and the location and number of driveways and street intersections in this vicinity. The intersection of South 28th Street with Grainger Parkway provides a sub-standard left turn lane length. Due to potential traffic volumes at this intersection, the proximity of driveways to the commercial area on the south and the spacing of 28th from 27th, Public Works recommends designing this intersection for left-turn and right-turn in and right-turn out only from 28th to Grainger. The width of Grainger Parkway between South 33rd and South 27th is shown as 27' wide with no parking restrictions. Due to the projected traffic volumes along this street, Public Works recommends it be a minimum of 33' wide with no parking or potentially parking along one side only.

South 39th Street is an existing street on the north projecting into Lot 1, Block 1 of this subdivision. The subdivision ordinance requires this street to be projected across Lot 1, Block 1 of this subdivision. This would minimize the block length deviations required for this subdivision.

The subdivision ordinance requires urban street paving on abutting streets. The City has plans to potentially pave Yankee Hill and South 40th in the 2001-02 fiscal year. South 27th Street paving is not projected before 2007. An offsite improvement agreement is needed for projected street improvements on the abutting arterial streets to mitigate the impacts identified in the traffic study.

Sidewalks shown are satisfactory.

5. General - The information shown on the preliminary plat relating to the public water main system, public sanitary sewer system and public storm sewer system has been reviewed to determine if the sizing and general method of providing service is satisfactory. Design consideration including, but not limited to, location of water main bends around curved and cul-de-sacs, connection of fire hydrants to the public main, temporary fire hydrant locations, location and number of sanitary sewer manholes, location and number of storm sewer inlets, location of storm sewer manholes and junction boxes, and the method of connecting storm sewer inlets to the main system are not approved with this review. These and all other design considerations can only be approved at the time construction drawings are prepared and approved.



INTER-DEPARTMENT COMMUNICATION

DATE October 1, 2001

TO Brian Will, City Planning

FROM Sharon Theobald
(Ext. 7640)

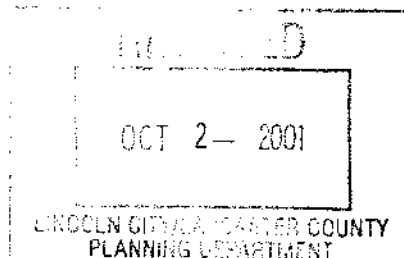
SUBJECT DEDICATED EASEMENTS
DN #80S-33E

Attached is the Resubmitted Preliminary Plat/Use Permit/CUP for Pine Lake Heights South 4th.

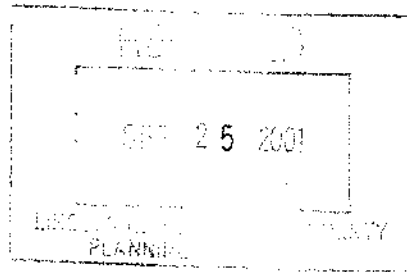
In reviewing the dedicated transmission line or other electrical easements shown on this plat, LES does not warrant, nor accept responsibility for the accuracy of any such dedicated easements.

ALLTEL, Time Warner Cable, and the Lincoln Electric System will require the additional easements marked in red on the map, along with blanket utility easements over the outlots. Also, please note, we have changed the dimensions of some of the easements, as indicated in red.

ST/ss
Attachment
c: Terry Wiebke
Easement File



OFFICEFOI\DEDEAS.Fm



Memo

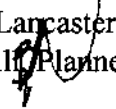
To: Brian Will, Planning Department
From: Mark Canney, Parks & Recreation
Date: September 24, 2001
Re: Pine Lake Heights PP 0029

Staff members of the Lincoln Parks and Recreation Department have conducted a plan review of the above-referenced application/proposal and have compiled the following comments:

1. Establish grade for the trail platform. Must meet ADA standards of being no greater than 5% slope.
2. South side of O'Hanlon Drive - lots 12 & 13 - offset trail adjacent to the street to 10' separation between the trail and street.
3. Change Legacy Sugar Maple to Swamp White Oak on O'Hanlon Drive.
4. Change Snowdrift Crabapple to Donald Wyman Crabapple.
5. Change Thornless Hawthorn to Flame Amur Maple (single trunk).
6. Explore trail crossing and trail grade platform possibility under Yankee Hill Road between 33rd and 37th streets, mid-block.
7. Submit landscape plan for all medians, traffic circles and island beds for approval. Please indicate in notes on plan that cost of plant materials and future maintenance to be provided by the developer and future neighborhood association.
8. Trail easement should be 20'.

If you have any additional questions, comments or concerns, please feel free to contact me at 441-8248.

MEMORANDUM

TO: Lincoln/Lancaster County Planning Commission
FR: Brian Will  Planner
DT: 1/8/02
RE: Amended Recommendation, Pine Lake Heights South 4th Addition

Staff requests the following amendment to the recommendation for Pine Lake Heights South 4th Addition preliminary plat.

PRELIMINARY PLAT CONDITIONS

REVISE:

- 1.1.8 Provide utility easements as requested by L.E.S. except that a 15' pedestrian/landscape and L.E.S. easement along South 40th Street and along Yankee Hill Road is adequate provided a note is added to the plat and landscape plan that states landscaping materials will not be installed within these easements until after power lines have been laid.

ADD:

- 1.1.13 Provide the street cross-section for Yankee Hill Road showing the correct location of the existing L.E.S. power poles, proposed sidewalk/trail, street trees and street lights.
- 1.1.14 Show all right-turn lanes on Yankee Hill Road as identified in the traffic study.
- 1.1.15 Either relocate South 33rd Street and South 37th Street at Yankee Hill Road intersections to allow for unobstructed right-turn lanes, or relocate the L.E.S. power poles. The location of the intersection of South 33rd Street and Yankee Hill Road requires a 150' unobstructed right-turn lane; South 37th Street requires a 200' unobstructed right-turn lane. Power poles must maintain a minimum 6' separation from back of curb.
- 1.1.16 Revise notes on Sheets 2 and 3 from "10' Pedestrian/Landscape Easement" to 10' Pedestrian/Bike Trail/Landscape Easement" for that easement along Yankee Hill Road.
- 3.2.9 To notify all property owners along South 40th Street and Yankee Hill Road that they must contact L.E.S. prior to installing any landscaping materials in the 15' L.E.S. easement along those streets.

MOTION TO AMEND

I hereby move to amend the Conditions recommended by the Lincoln City/Lancaster County Planning Staff Report for Preliminary Plat #00029 to read as follows:

PRELIMINARY PLAT CONDITIONS:

Site Specific:

1. After the subdivider completes the following instructions and submits the documents and plans to the Planning Department office, the preliminary plat will be scheduled on the City Council's agenda: (NOTE: These documents and plans are required by ordinance or design standards.)

- 1.1 Revise the preliminary plat as follows:

- 1.1.1 ~~Delete south bound, left turn movements for South 28th Street, or provide a street east in the vicinity of South 30th Street. Add a note that states: "The applicant acknowledges the City has the right to eliminate left turn movements at the intersection of South 28th Street and Grainger Parkway in the future if warranted by traffic volumes."~~
- 1.1.2 Show Grainger Parkway intersecting McBride Avenue at approximately an 80 degree angle.
- 1.1.3 ~~Show a 10 feet wide outlot with landscape screening in accordance with City Design Standards for screening and landscaping of a residential lot backing onto a public street along the O'Hanlon Drive frontage of Block 6 and the Grainger Parkway frontage of Block 2. Blocks 2, 3 and 6 redesigned so there are no double frontage lots.~~
- 1.1.4 Show the extension of South 39th Street through Lot 1, Block 1.
- 1.1.5 Show, and identify as such, those portions of O'Hanlon Drive to be vacated.
- 1.1.6 Delete the "proposed" zoning remarks.
- 1.1.7 ~~Delete~~Revise the detail/cross section of the pedestrian-bike trail crossing from Sheet #2 to show a standard handicap ramp crossing, and add a note indicating that the crossing design is to be approved by the Public Works Department.
- 1.1.8 Provide utility easements as requested by L.E.S.

1.1.9 Increase trail easement width to 20', except between Lots 9 and 10, Block 5.

1.1.10 The water main in south 37th street north of Yankee Hill Road must be an 8" main.

1.1.11 Revise all storm sewer easements to be 30' in width.

1.1.12 Change Legacy Sugar Maple to Swamp White Oak on O'Hanlon Drive; Snowdrift Crabapple to Donald Wyman Crabapple; Thornless Hawthorne to Flame Amur Maple (Single-trunk); and submit landscape plans for all medians, traffic circles, and eyebrow and cul-de-sac island beds.

1.2 Applicant will enter into an off-site improvement agreement with the City that stipulates the type, timing, and amount of contributions for required off-site improvements.

2. The City Council approves associated request:

2.1 Change of Zone #3297.

2.2 Change of Zone #3298.

2.3 Use Permit #134.

2.4 The following waivers to design standards:

2.4.1 Waiver to curb and gutter on South 27th Street, South 40th Street, and Yankee Hill Road being built at this time, but in accordance with the timing schedule and the requirements specified in the off-site improvement agreement.

2.4.2 Waiver to sewer depth.

2.4.3 Waiver to transfer of sewage between sub-basin districts.

General:

3. Final Plats will be scheduled on the Planning Commission agenda after:

3.1 The sidewalks, streets, drainage facilities, street lighting, landscape screens, street trees, water mains, sanitary sewer, temporary turnarounds and barricades, and street name signs have been completed or the subdivider has submitted a bond or an escrow of security agreement to guarantee their completion.

3.2 The subdivider has signed an agreement that binds the subdivider, its successors and assigns:

- 3.2.1 To submit to the Director of Public Works an erosion control plan.
- 3.2.2 To protect the remaining trees on the site during construction and development.
- 3.2.3 To continuously and regularly maintain street trees along the private roadways and landscape screens.
- 3.2.4 To complete the private improvements shown on the preliminary plat and use permit, or at a time as allowed by the off-site improvement agreement.
- 3.2.5 To maintain the outlots and private improvements and plants in the ~~medians and eyebrow~~ and cul-de-sac islands beds on a permanent and continuous basis. However, the subdivider may be relieved and discharged of this maintenance obligation upon creating in writing a permanent and continuous association of property owners who would be responsible for said permanent and continuous maintenance. The subdivider shall not be relieved of such maintenance obligation until the document or documents creating said property owners association have been reviewed and approved by the City Attorney and filed of record with the Register of Deeds.
- 3.2.6 To submit to the lot buyers a copy of the soil analysis.
- 3.2.7 To pay all improvement costs except as provided in the off-site improvement agreement and the Conditional Annexation and Zoning Agreement for Yankee Hill Road Vicinity, as amended.
- 3.2.8 To comply with the Land Preparation and Grading requirements of the Land Subdivision Ordinance.

Introduced by:

Approved as to Form & Legality:

City Attorney

Staff Review Completed:

Administrative Assistant

Requested by: SEACREST & KALKOWSKI, P.C.

036